

MM

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp
Attorney General

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Dr. Hazel Hawkins-Russell
Riverside

John Saito
Los Angeles

Diane Yu
Oakland

Marty Mercado
Coordinator
(916) 324-7859

June 6, 1985

1515 K Street
Suite 371
Sacramento, CA
95814

Honorable John Van De Kamp
State Attorney General
3580 Wilshire Blvd., Room 800
Los Angeles, California 90010

Dear John:

I am happy to enclose the mid-term progress report of your Commission on Racial, Ethnic, Religious, and Minority Violence.

The 16 members which you have put together to form your Commission is a dynamic group, each with their own expertise and experience.

The Commission has been meeting quarterly, and the report outlines activities during its first year of existence and areas the commission will be involved in during the coming year.

The Litigation subcommittee has developed proposed criteria the Attorney General could use in selecting cases for Ralph Civil Rights Act enforcement, and is soliciting comments on the proposed guidelines for a workable standard definition of RERMV. The subcommittee will also focus on the general enforcement powers of the Attorney General and the desirability of proposing legislation authorizing the Attorney General to develop programs to train police officers, district attorneys and city attorneys in the area of community relations and rights of minority groups.

The Legislation subcommittee has held one public hearing in Los Angeles to solicit comments on deficiencies in current law in combatting racial, ethnic, religious and minority violence in order to make specific legislative proposals. Another hearing is planned for northern California during late summer. The subcommittee hopes to get concrete ideas and reactions to subcommittee proposals thus far, such as establishment of a separate crime for acts of RERMV, criminal sanctions for violations of the Ralph Act; and clarification of the jurisdictional authority established under the Ralph Act. The hearings are also being used to solicit comments on the proposed definition guidelines developed under SB 2080.

Hon. John K. Van de Kamp
June 6, 1985
Page Two

The Education/Community Relations subcommittee has been exploring the feasibility of producing a public information brochure on the resources and remedies available to victims of RERMV crimes, and the need for the brochure in other than English language. Priority has been given to the development of a Civil Rights Handbook for use by community service, law enforcement and other agencies as a resource guide. An update of the 1967 Department of Justice Handbook, "Equal Rights Under the Law, was urged, and has been undertaken by the Civil Rights Enforcement Unit.

One issue of concern which the Commission requests your guidance on is the statewide implementation by the Superintendent of Education of a cultural relations program such as the successful "Hands-Across-the-Campus" program which is currently being used in 17 schools in the Los Angeles school district.

The Commission has discussed and considered the value of expanding the school system curriculum to include cultural relations training to increase the awareness of students of the cultural diversity within our state. It has been considering a recommendation that such a program be adopted by the Department of Education and that consideration be given to expanding the program to the entire state.

It has been a pleasure working with and getting to know the individual members of the commission, and I look forward to continuing our deliberations and development of acceptable recommendations.

As you know, the Commission's existence will terminate in May 1986. We expect to have a final report including our recommendations to you at that time.

Sincerely yours,


MSGR. WILLIAM J. BARRY
Chairman

Enclosure

cc: Members of the Commission

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

PROGRESS REPORT

Introduction

Governor Brown's 1982 Task Force on Civil Rights made three findings:

1. That racial, ethnic, and religious violence is a pervasive fact of life in many communities in California.
2. That the level of frustration, alienation and distrust in many minority communities is disturbingly high.
3. That economic political and social trends "threaten to increase the chances of further intergroup violence."

In May 1984, Attorney General John Van de Kamp announced the creation of a Commission on Racial, Ethnic, Religious and Minority violence to conduct a two-year investigation of incidents of violence based on discrimination against members of minority communities.

The Commission is composed of representatives from racial, ethnic, religious and minority groups throughout the state. Staff support to the Commission is provided by the Office of Community and Consumer Affairs and the Civil Rights Enforcement Section of the Attorney General's Office.

The Commission's mandate is to:

- Make a systematic study of violence motivated by prejudice against members of minority communities - Blacks, Hispanics, Asians, Native Americans, religious groups, lesbians, gay men, the elderly, and the disabled.
- Review the adequacy of existing law to protect the civil rights of all individuals in this state regardless of color, ethnic background, age, disability, creed, or sexual orientation.
- Report its findings to the Attorney General and make any appropriate recommendations.

The goals of the Commission are to:

1. Obtain more accurate information to determine the nature and extent of RERMV.
2. Develop guidelines for a standard definition of RERMV to allow for uniform identification and reporting of incidents of this nature.

3. Encourage implementation of measures designed to decrease the amount of RERMV in California.
4. Act as liaison to adversely affected minority communities.

Organization

The Commission was appointed in May 1984 with Msgr. William J. Barry as the chairman. Meetings are scheduled on a quarterly basis. The first meeting of the Commission was held on June 18 in Los Angeles. Subsequent meetings have been held as follows:

September 10, 1984 - Sacramento
December 13, 1984 - San Diego
March 3-4, 1985 - San Francisco

The next meeting has been scheduled for June 9-10 in Riverside.

The Commission divided into three subcommittees:

Legislation - Diane Yu, Chair
David Kassoy
John Mack
Judge Armando Rodriguez

Litigation - Judge Alice Lytle, Chair
Joaquin Avila
Vincent Harvier
John Saito

Education/Community Relations

Bishop Will Herzfeld, Chair	
Irma Castro	Janet Levy
Richard Chavez	Leticia Quezada
Tom Coleman	Dr. Hazel Hawkins-Russell
Msgr. William J. Barry	

The purpose of the Legislation subcommittee is to identify and analyze current state laws in the areas of racial, ethnic, religious, and minority violence; and to assess the deficiencies of current law and propose specific legislation to improve and strengthen the laws of California in combating racial, ethnic, religious, and minority violence.

The purpose of the Litigation subcommittee is to develop strategies to assist the Attorney General in exercising his enforcement authority under applicable statutes with particular emphasis on the Ralph Civil Rights Act and to develop a workable standard definition of minority-motivated crimes.

The purpose of the Education/Community Relations subcommittee is to increase public awareness of: 1) the reality and extent of violence against minorities based on prejudice and bigotry; and 2) the existence and mandate of the Commission.

The subcommittee has identified three specific areas of focus to meet its objectives:

1. Education of the public on the reality and nature of RERMV crimes; their rights under the Ralph Civil Rights Act and resources and remedies available to victims of these acts;
2. Schools:
 - The need for training of school administrators and educators on the reality and nature of such crimes, and how to deal effectively to counteract them;
 - The need for cultural awareness programs to foster sensitivity and understanding among students;
 - The need to raise awareness among students of the criminal nature of such behavior.
3. Training for Law Enforcement Officers:
 - on the reality, nature, and identification of RERMV crimes, and the need for reporting of such crimes;
 - in referral resources available to victims of such acts;
 - in cultural/community relations at all levels.

Each subcommittee will provide recommendations to the full commission for approval. Those recommendations approved by the full commission will be submitted to the Attorney General in May 1986.

Activities

The Commission's substantive activities so far have included the collection of written reports from agencies, public and private, and individuals with expertise and concern in the area of RERMV. These include:

Report of the Governor's 1982 Task Force on Civil Rights

Report of the Commission on Personal Privacy, 1982

Report and Recommendations of the Hearing on Bigotry and Violence Against Asian Pacific Americans, of the Human Rights/Fair Housing Commission of the City and County of Sacramento.

Los Angeles County Human Relations Commission reports on:

1. Racial Religious and Motivated Vandalism and Violence, 1984;
2. Five State of the County hearings on "Today's Conflicts Tomorrow's Challenges", which lists intergroup tension and conflicts as the county's major human relations problem.
3. The New Asian Peril, a report on hearings on Pacific Island and Asian Bigotry;
4. Anti-Catholic Posters in Los Angeles County;
5. McCone Revisited, a focus on solutions to continuing problems in Central Los Angeles.

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Marin County Human Rights Commission Educational Outreach Project.

Anti-Gay/Lesbian Victimization: A Study by the National Gay Task Force, June 1984.

Annual Report of the Community Relations Service, U. S. Department of Justice.

Report of the Maryland Governor's Task Force on Violence and Extremism, 1983.

In addition, the Commission has provided a forum for oral presentations by representatives of government and representatives of public and private agencies.

These included:

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A presentation on the Uniform Crime Reporting System, by Quint Hegner, Division of Law Enforcement, Department of Justice, Bureau of Criminal Statistics.

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An overview of the responsibilities of the Office of Intergroup Relations, Department of Education, by Dr. Reuben Burton.

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A briefing on the activities of the Marin Human Rights Research Center..

A report on the activities of the California Association of Human Rights Organizations.

An overview of the responsibilities of the U. S. Department of Justice Community Relations Service.

A presentation on the problems of anti-gay/lesbian violence by Community United Against Violence - a S. F. based gay/lesbian community organization.

A presentation on the problems of the disabled by Hanna Stevenson, Independent Living Resource Center, S. F.

A presentation on problems of Asian Refugee groups by Henry Der, Chinese for Affirmative Action, San Francisco.

An overview of the S. F. Police Department sponsored Senior Citizens Escort Program.

The presentation on The Hands-Across-the-Campus Program, developed by Dr. Neil Sandberg, American Jewish Committee, and Dr. Sydney Brickman, Deputy Superintendent of Schools, Los Angeles, pointed out an example of some of the innovative cultural awareness programs which can be used to combat the problem of intolerance and prejudice in the schools.

The Sacramento City/County Human Relations Commission highlighted some of the problems communities are experiencing with the influx of new refugees, particularly IndoChinese.

Commission Actions

It became apparent early on that there is a need for a civil rights handbook which could be used by community agencies, law enforcement agencies, etc. as a referral tool. A complaint frequently heard is that no one knows where to report incidents of RERMV and what remedies are available. The Commission, therefore, requested staff undertake an update of the 1967 Department of Justice handbook, "Equal Rights Under the Law", and this is underway by the Civil Rights Enforcement Unit.

The Commission also requested that crimes motivated by sexual orientation be included in the pilot project to be conducted by the Department of Justice under SB 2080, since they were not included in the legislation, because of the increasing severity of such crimes in California.

In addition, the Commission has corresponded with governmental entities with jurisdiction in the area of minority violence. This correspondence has included letters to:

The San Diego County Board of Supervisors to encourage and support creation of a countywide human relations commission and support for the inclusion of gays and lesbians in the protected groups.

U. S. Senator Richard Lugar commending him for his position regarding administration policy in South Africa.

The U. S. Civil Rights Commission recommending a national study of intimidation and violence against lesbians and gay men be undertaken.

Dr. Bill Honig, State Department of Education expressing strong interest in augmenting the curriculum of the state's public schools to deal with the subject of human relations, and expressing support for the Office of Intergroup Relations.

The S. F. Foundation in support of the work of the Marin Human Resources Center in the development of human rights training materials and curricula for schools and law enforcement, and urging continuation of funding.

The Commission has also gone on record requesting the Attorney General to file an amicus brief in the Hirobayashi case.

The Commission met with representatives of law enforcement organizations and agencies to hear their views on problems of enforcement of the Ralph Civil Rights Act and reporting of RERMV crimes. Their comments reflect the need for a standard definition of and training in reporting these types of crimes.

In addition, the Commission has developed continuing liaisons with the Department of Fair Employment and Housing, the Fair Employment and Housing Commission, and the Department of Education.

Future Activities

The Legislation subcommittee is developing plans to hold public hearings in northern and southern California to assess deficiencies in current law and to make specific recommendations for legislation to improve and strengthen the laws to combat crimes where motivation is based on racial, religious or other minority bigotry, particularly the inclusion of criminal sanctions for violation of the Ralph Civil Rights Act. A questionnaire has been developed and sent to civil rights, legal, and enforcement agencies soliciting their comments.

The Litigation subcommittee is focussing on refining their proposed recommendations, and on development of a workable standard definition of RERMV crimes in coordination with the Department's Bureau of Criminal Statistics. The subcommittee will also focus on general enforcement powers of the Attorney General and the desirability of proposing legislation authorizing the Attorney General to develop programs to train police officers, district attorneys and city attorneys in the area of community relations and rights of minority groups.

The Education/Public Relations subcommittee will work on the development of a brochure for general distribution to the public on their rights under the Ralph Civil Rights Act, and the resources and remedies available. The subcommittee is also exploring private funding sources for the possible translation of these brochures into other languages, in particular Asian languages, for which there appears to be a great need.

The subcommittee is also working with the Department of Education, Office of Intergroup Relations to identify model programs such as "Hands-Across-the-Campus" for possible statewide implementation.

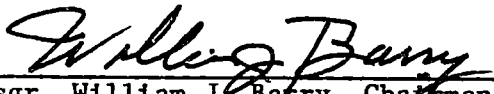
In addition, the Commission has been considering the adequacy of police officer sensitivity and training in detecting and enforcing crimes motivated by the victim's race, ethnic background, religion or minority status. The Commission's concensus was to approve the idea in principle, subject to further follow-up on jurisdictional matters and the relationship with the Commission on POST.

Conclusion

The Commission in this mid-term progress report must acknowledge that, as with the Governor's Task Force on Civil Rights, more work will need to be done after the Commission's mandate is complete. For example, the Commission will attempt, working with the Division of Law Enforcement, to develop a definition for minority violence that will aid enforcement officers in reporting such incidents. However, even if such a definition is developed, it will have to be continually refined as it is used. Without such a definition it will be difficult, if not impossible, to develop a statewide information-gathering system that will enable the state to monitor the nature and magnitude of minority violence.

Given the level of the problem identified so far and the scarcity of resources devoted to the problem the Commission has no choice but to acknowledge the need for more resources to be devoted to identifying, preventing and resolving minority violence. This would require the expansion of existing programs that have a successful history. It also requires that local communities be given the resources to create and expand human rights commissions. Moreover, laws that are already on the books should be enforced in a more diligent manner. An example of such a law would be the Ralph Civil Rights Act.

The Commission's final report will contain, in addition to recommendations, a more detailed discussion of the nature and magnitude of the problem of minority violence and more detailed approaches on how the Attorney General can use his office to help the citizens of the state resolve this problem.



Msgr. William J. Barry, Chairman

May 31, 1985

**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY
VIOLENCE**

PROGRESS REPORT

Introduction

A number of incidents of violence against racial, ethnic, and religious minorities prompted Governor Edmund G. Brown, Jr. to convene a Task Force on Civil Rights to investigate the nature and magnitude of such problems in the state of California. The Governor's Task Force made three findings:

1. That racial, ethnic, and religious violence is a pervasive fact of life in many communities in California.
2. That the level of frustration, alienation and distrust in many minority communities is disturbingly high.
3. That economic political and social trends "threaten to increase the chances of further intergroup violence."

The Governor's Task Force published a report which contained a number of recommendations designed to address the tensions and violence of many of California's communities. Many, if not most, of the recommendations were directed to various public agencies whose jurisdiction and programs made them of critical importance to the resolution of these tensions. Among those public agencies identified was the Office of the Attorney General. The Task Force membership recognized that as chief law enforcement officer of the state the Attorney General was in a unique position to influence the training of police officers throughout the state in the detection and resolution of citizen complaints generated by racial, ethnic, and religious violence. The Task Force report noted that the Attorney General's Office is admirably suited to acquire, analyze and disseminate statewide information on this type of violence. The Task Force report also identified the critical role of the Attorney General in this area due to his role in enforcement of the Ralph Civil Rights Act to be discussed later in this progress report.

In response to the Task Force Report Attorney General Van de Kamp announced the creation of a Commission on Racial, Ethnic, Religious and Minority violence to conduct a two-year investigation of incidents of violence based on discrimination against members of minority communities.

The Commission is composed of representatives from racial, ethnic, religious and minority groups throughout the state. Staff support to the Commission is provided by the Office of Community and Consumer Affairs and the Civil Rights Enforcement Section of the Attorney General's Office.

The Commission's mandate is to:

- Make a systematic study of violence motivated by prejudice against members of minority communities - Blacks, Hispanics, Asians, Native Americans, religious groups, lesbians, gay men, the elderly, and the disabled.
- Review the adequacy of existing law to protect the civil rights of all individuals in this state regardless of color, ethnic background, age, disability, creed, or sexual orientation.
- Report its findings to the Attorney General and make any appropriate recommendations.

It is important to note at this juncture that by creating this Commission the Attorney General does not intend to duplicate the efforts of the Governor's Task Force. Indeed, the purpose of the Commission is to assist the Attorney General in the implementation of the recommendations of the Governor's Task Force. In order to do this the Commission has identified certain goals which must be met before the Attorney General can exercise his jurisdiction in this area with the requisite intelligence and sensitivity. The goals of the Commission are to:

1. Obtain more accurate information to determine the nature and extent of RERMV.
2. Develop guidelines for a standard definition of RERMV to allow for uniform identification and reporting of incidents of this nature.
3. Encourage implementation of measures designed to decrease the amount of RERMV in California.
4. Act as liaison to adversely affected minority communities.

Organization

The Commission was appointed in May 1984 with Msgr. William J. Barry as the chairman. Meetings are scheduled on a quarterly basis. The first meeting of the Commission was held on **June 18** in Los Angeles. Subsequent meetings have been held in Sacramento on September 10, 1984, San Diego on December 13, 1984 and in San Francisco on March 3 and 4, 1985. The next meeting is scheduled for August 25 and 26, 1985.

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Judge Armando Rodriguez

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Education/Community Relations
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Tom Coleman Dr. Hazel Hawkins-Russell
Msgr. William J. Barry

The task of the Legislation subcommittee is to **identify and analyze current state laws in the areas of racial, ethnic, religious, and minority violence; and to assess the deficiencies of current law and propose specific legislation to improve and strengthen the laws of California in combating racial, ethnic, religious, and minority violence.**

The task of the Litigation subcommittee is to develop strategies to assist the Attorney General in exercising his enforcement authority under applicable statutes with particular emphasis on the Ralph Civil Rights Act **and to develop a workable standard definition of minority-motivated crimes.**

The task of the Education/Community Relations subcommittee is to increase public awareness of: 1) the reality and extent of violence against minorities based on prejudice and bigotry; and 2) the existence and mandate of the Commission.

The subcommittee has identified three specific areas of focus to meet its objectives:

1. Education of the public on the reality and nature of RERMV crimes; their rights under the Ralph Civil Rights Act and resources and remedies available to victims of these acts;
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 - The need for training of school administrators and educators on the reality and nature of such crimes, and how to deal effectively to counteract them;
 - The need for cultural awareness programs to foster sensitivity and understanding among students;
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Each subcommittee will provide recommendations to the full commission for approval. Those recommendations approved by the full commission will be submitted to the Attorney General in May 1986.

Activities

The Commission's substantive activities so far have included the collection of written reports from agencies, public and private, and individuals with expertise and concern in the area of RERMV. These include:

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Conclusion

The Commission in this mid-term progress report must acknowledge that, as with the Governor's Task Force on Civil Rights, more work will need to be done after the Commission's mandate is complete. For example, the Commission will attempt, working with the Division of Law Enforcement, to develop a definition for minority violence that will aid enforcement officers in reporting such incidents. However, even if such a definition is developed, it will have to be continually refined as it is used. Without such a definition it will be difficult, if not impossible, to develop a statewide information-gathering system that will enable the state to monitor the nature and magnitude of minority violence.

Given the level of the problem identified so far and the scarcity of resources devoted to the problem the Commission has no choice but to acknowledge the need for more resources to be devoted to identifying, preventing and resolving minority violence. This would require the expansion of existing programs that have a successful history. It also requires that local communities be given the resources to create and expand human rights commissions. Moreover, laws that are already on the books should be enforced in a more diligent manner. An example of such a law would be the Ralph Civil Rights Act.

The Commission's final report will contain, in addition to recommendations, a more detailed discussion of the nature and magnitude of the problem of minority violence and more detailed approaches on how the Attorney General can use his office to help the citizens of the state resolve this problem.

Msgr. William J. Barry, Chairman

May 31, 1985